

**United States District Court
EASTERN DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA

CASE: 2:22-MJ-001

vs.

James Brooks

ORDER IMPOSING CONDITIONS OF RELEASE

IT IS ORDERED that Defendant's release is subject to the following conditions:

- (1) Defendant shall not commit any offense in violation of federal, state or local law while on release in this case;
- (2) Defendant shall not change his/her address and/or telephone number without prior approval of the United States Probation Office;
- (3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. Defendant shall next appear at: AS NOTIFIED BY COURT ORDER, DEFENSE COUNSEL OR BY THE U.S. PROBATION OFFICER;

Release on Personal Recognizance or Unsecured Bond

- ☒ (4) Defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed;
- ☒ (5) Defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$20,000 dollars in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed;

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of Defendant and/or the safety of other persons and the community, it is FURTHER ORDERED that the release of Defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:
- (Name of person or organization):
- (Address):
- (City and State):
- (Tel. No):

who agrees (a) to supervise Defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of Defendant at all scheduled court proceedings, and (c) to notify the Court immediately in the event Defendant violates any conditions of release or Defendant's whereabouts become unknown to the third-party custodian.

Signed: _____
Custodian or Proxy

☒ (7) Defendant shall:

- ☒ (a) maintain or actively seek employment;
- ☐ (b) maintain or commence an educational program;
- ☒ (c) abide by the following restrictions on his/her personal associations, place of abode, or travel: Travel is restricted to the Eastern District of Tennessee, without prior approval of the probation officer;
- ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: _____;
- ☒ (e) report on a regular basis to the U.S. Probation Office as directed and cooperate fully with, and refrain from physically or verbally abusing, all members of the U.S. Probation Office and their designees in the performance of their duties;
- ☐ (f) comply with the following curfew: _____;
- ☒ (g) refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon;
- ☒ (h) refrain from ☒ any use / ☐ excessive use of alcohol, and from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner;
- ☒ (i) undergo the following medical or psychiatric treatment: participate in mental health treatment and/or counseling and follow all recommendations of the mental health provider;
- ☐ (j) execute a bond or an agreement to forfeit upon failing to appear as required in the amount of \$20,000.00.
- ☐ (k) post with the court a property bond, and provide the following indicia of ownership of that property: _____;
- ☐ (l) execute a bail bond with solvent sureties in the amount of \$_____, secured by Defendant's _____;
- ☐ (m) return to custody each week or day (circle one) as of _____, after being released each week or day (circle one) for the purpose of _____;
- ☐ (n) surrender any passport to: United States Probation Office immediately;
- ☒ (o) obtain no new passport;
- ☒ (p) submit to any method of testing as directed by U.S. Probation Office to determine if Defendant is using a prohibited substance. Such methods may be used with random frequency and include such procedures as urine testing, the wearing of a sweat patch, a remote alcohol testing system, any other form of prohibited substance screening or testing and any combination of these testing methods;
- ☒ (q) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer;
- ☐ (r) participate in one of the following home confinement programs and abide by all the requirements of the program which ☐ will / ☐ will not include electronic monitoring or other location verification system. Defendant shall pay all or part of the cost of the program based upon his/her ability to pay as determined by the U.S. Probation Office;
- ☐ (i) **Home Detention:** is restricted to his/her residence at all times except for employment; education, religious services; treatment for medical or mental health conditions or substance abuse; attorney visits; court appearances; court-ordered obligations; or other activities which are pre-approved by the U.S. Probation Office;

- ☐ (ii) **Home Incarceration:** is restricted to his/her residence at all times except for medical needs or treatment, religious services, court appearances, or other activities which are pre-approved by the U.S. Probation Office;
- ☐ (iii) **Curfew:** is restricted to his/her residence every day from _____ to _____, or as otherwise directed by the U.S. Probation Office;
- ☐ (s) provide a urine sample to the U.S. Probation Office prior to release under these conditions;
- ☒ (t) report to the Probation Office immediately any contact whatsoever with law enforcement personnel, including but not limited to, an arrest, questioning, or traffic stop;
- ☒ (u) execute an authorization for any health-care provider, including mental health-care provider, to release treatment records and information to the U.S. Probation Office and the Court;
- ☒ (v) have no contact whatsoever with known convicted felons, drug dealers, drug users, co-defendants, or any person who violates the law without the pre-approval of the U.S. Probation Office;
- ☐ (w) comply with all previously imposed conditions of supervised release;
- ☐ (x) will reside at and comply with the rules of an approved residential recovery program until she is granted permission to leave by the U.S. Probation Office or the Court;
- ☐ (y) _____; and
- ☐ (z) _____.

Advice of Penalties and Sanctions

TO DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could also result in a term of imprisonment, a fine or both.

The commission of any offense while on pretrial release may result in an additional sentence of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant or to threaten or attempt to do so.

If, after release, you knowingly fail to appear as required by the conditions of release or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years or both;
- (2) an offense punishable by imprisonment for a term of five years or more but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years or both; or

(4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year or both;

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

James W. Berry

Signature of Defendant



Telephone

Directions to United States Marshal

- ☒ Defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep Defendant in custody until notified by the clerk or judicial officer that Defendant has posted bond and/or complied with all other conditions for release. Defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

This the 6th day of January, 2022

Cynthia Richardson Wyrick

The Honorable Cynthia Richardson Wyrick
UNITED STATES MAGISTRATE JUDGE